

ARIZONA JUDICIAL COUNCIL

Request for Council Action

**Date Action
Requested:**

October 24, 2019

**Type of Action
Requested:**

☒ Formal Action/Request
☐ Information Only
☐ Other

Subject:

ACJA 1-108: Committee
on Judicial Education
and Training

FROM:

Jeffrey Schrade, Director, AOC Education Services Division

DISCUSSION:

The Committee on Judicial Education and Training (COJET) recommends the following changes in the Arizona Code of Judicial Administration that will conform code to current practice:

C(9): Add a training coordinator from an urban court to the COJET committee.

C(10): Add a training coordinator from a rural court to the COJET committee.

RECOMMENDED COUNCIL ACTION:

Approve ACJA code amendments as proposed.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 1: Leadership
Section 1-108: Committee on Judicial Education and Training

A. and B. [No Changes]

C. Membership. COJET shall include the following members:

1. through 8. [No Changes]

9. One judicial assistant or training coordinator from an urban court;

10. One court reporter or training coordinator from a rural court;

11. and 12. [No Changes]

D. through J. [No Changes]

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Request for Council Action

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Subject:

ACJA 1-302: Judicial
Education and Training

FROM:

Jeffrey Schrade, Director, AOC Education Services Division

DISCUSSION:

The Committee on Judicial Education and Training (COJET) recommends the following changes in the Arizona Code of Judicial Administration that will conform code to current practice:

(A): Corrected grammatical issue in definition of "Ethics training."

H(2): Removed core curricula from general requirements for compliance.

I(5): Established a starting time for orientation training for limited jurisdiction judges, and lengthened the mandatory completion date by six months.

I(5-7): Added statutory citations for hearing officer designation and powers. Differentiated the orientation training for small claims hearing officers and civil traffic hearing officers.

J(2): Added court security to the list of topics to be covered in judicial employee orientation.

K(3): Removed the hour requirement from required officer safety training for all probation and surveillance officers.

RECOMMENDED COUNCIL ACTION:

Approve ACJA code amendments as proposed.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 1: Judicial Branch Administration

Chapter 3: Judicial Officers and Employees

Section 1-302: Education and Training

A. Definitions. In this section, the following definitions apply:

“Accredited Sponsor” means an individual or organization that has been granted status to accredit their programs by the Committee on Judicial Education and Training (COJET).

“Computer security/network security training” means training addressing measures that strengthen the security of the Arizona judiciary’s data, systems and network to protect confidentiality, integrity and availability of information.

“Continuing education” means training or education that leads to improved job-related skills, knowledge or abilities, or specialized skills that enhance the ability to perform job functions.

“County training coordinator” means the local training coordinator designated in each county.

“Credit hour” means an increment of continuing education determined by COJET to constitute one credit toward COJET requirements. In most instances, 60 minutes of education equals one credit hour.

“Education Services” means the division of the Administrative Office of the Courts (AOC) responsible for planning and implementing education for the judiciary.

“Ethics training” means a training session related to appropriate ~~personnel~~ personal behavior in the workplace, codes of conduct, fair treatment in the courts, or avoiding the occurrence or perception of impropriety in carrying out responsibilities.

“Facilitator” means a specifically trained individual who leads local or small group activities that take place as part of a larger program.

“Faculty” means an individual who plans, prepares, and presents an education program. This definition includes individuals who serve as moderator or coordinator of a panel, and individuals who perform pre-planning for one-to-one training activities with measurable educational outcomes.

“Hearing officer, paid,” means an individual paid by the court to serve as a civil traffic or small claims hearing officer.

“Hearing officer, volunteer” means an individual who serves voluntarily as civil traffic or small claims hearing officer.

“Judicial education” means continuing professional education for judges, probation and court personnel.

“Judge” means any person who is authorized to perform judicial functions within the Arizona judiciary, including a justice or judge of a court of record, a justice of the peace, magistrate, water master, court commissioner, referee or pro tempore judge.

“Live training” means training or education provided by one or more faculty or facilitators to an individual or a group using real time interaction.

“Local training coordinator” means the person designated in each court or department to coordinate judicial education.

“Non-facilitated learning” means an individual study program conducted without the aid of an instructor, facilitator, or active co-participants.

“On-call” means employees who are available when summoned for service, do not have an established work schedule and whose schedule is on an as-needed basis.

“Orientation” means knowledge, skills and ethics necessary to begin the job.

“Probation personnel” means probation officers, surveillance officers, detention officers, youth supervisors, support staff, and any other staff assigned to probation departments and juvenile courts.

“Program Sponsor” means an individual, group or organization conducting continuing education for COJET credit hours.

B. through G. [No Changes]

H. General Requirements for Compliance.

1. [No Changes]

2. Full-time judges and full-time and part-time court personnel starting employment after January 1, as well as court personnel with a regular part-time schedule shall complete the requirements (including live training, ~~core curricula~~, ethics and computer security/network security training) according to a prorated schedule:

a. through d. [No Changes]

3. and 4. [No Changes]

I. Requirements for Judges

1. through 4. [No Changes]

5. Judges of limited jurisdiction courts. Before assuming office, or within the first twelve months of assuming office, a new judge of a limited jurisdiction court shall receive

orientation by an experienced judge of a limited jurisdiction court and shall ~~complete~~ begin the orientation program for judges of limited jurisdiction courts approved by COJET. The new judge must successfully complete the orientation program for judges of limited jurisdiction courts approved by COJET within eighteen months of assuming office.

6. [No Changes]

7. Civil traffic and small claims hearing officers. Hearing officers are officers of the court (A.R.S. §§ 22-506 and 28-1553). Proper orientation and continuing education assure that hearing officers are provided with information, process descriptions and procedures necessary to fulfill their judicial role. Hearing officers are subject to the following requirements:

- a. All small claims hearing officers shall complete a specialized training program approved by COJET prior to or within twelve months of assuming hearing officer duties.
- b. All civil traffic hearing officers must complete an initial program approved by COJET prior to assuming hearing officer duties. Civil traffic hearing officers must also complete a specialized training program approved by COJET prior to or within 12 months of assuming hearing officer duties. (Rule 6(a), Rules of Court Procedure for Civil Traffic and Civil Boating Violations).

~~b-c.~~ Paid hearing officers shall complete the annual educational requirements for judges, but are not required to attend the annual judicial conference; and

~~e-d.~~ Volunteer hearing officers are not subject to the annual education requirements for judges, unless required by the presiding judge of the superior court in the respective county.

J. Standards for Administrators, Clerks and Court Personnel.

1. [No Changes]

2. Orientation. Orientation for administrators, clerks, probation and court personnel shall take place no later than 90 days after assuming duties and shall include an explanation of their specific job duties and familiarization with court structure and procedures, including an overview of:

a. through e. [No Changes]

f. Local court-related issues; and

g. Court security; and

~~g-h.~~ Judicial education.

3. and 4. [No Changes]

K. Standards for Probation Personnel.

1. and 2. [No Changes]

3. Training program requirements for probation and surveillance officers.

a. and b. [No Changes]

c. Officer safety orientation. All adult and juvenile probation and surveillance officers shall successfully complete ~~the eight-hour~~ officer safety orientation within 30 days of hire in accordance with ACJA § 6-107.

d. [No Changes]

4. through 6. [No Changes]

L. through N. [No Changes]

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Subject:

ACJA 6-206 Adult
Probation Services
Fund, Probation Fees
Account

FROM:

Kathy Waters, Adult Probation Services Division

DISCUSSION:

Proposed revisions to ACJA 6-206 as recommended by the Task Force on Fair Justice for All.

RECOMMENDED COUNCIL ACTION:

Approve as presented.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Proposal Cover Sheet

Part 6: Probation

Chapter 2: Adult Services

Section 6-206: Adult Probation Services Fund, Probation Fees Account

- 1. Effect of the proposal:** If adopted, the proposal would exclude probationers' state-based benefits or income-based public assistance from being used to pay for probation service fees. This was a recommendation from the Task Force on Fair Justice for All.
- 2. Significant new or changed provisions:** See above.
- 3. Committee actions and comments:** The proposal passed as presented at COP on 8/16/2019 and at COSC on 9/6/2019. Upon final review, Legal Services determined that the use of the word "should" was not consistent with the ACJA Drafting Manual (Manual) (rev July 2019) and substituted the word "shall". As stated in the Manual, "The preferred mandatory term for code sections is shall." [See Manual p.10]
- 4. Controversial issues:** None
- 5. Recommendation:** Recommend approval.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-206: Adult Probation Services Fund, Probation Fees Account

A. [No Change]

B. [No Change]

C. [No Change]

D. [No Change]

E. [No Change]

F. [No Change]

G. Assessment Guidelines.

1. The probation department shall have a written policy addressing requirements of probation officers and their duty to:

a. Recommend the imposition of probation service fees, pursuant to A.R.S. § 13-901. A recommended start date for payment shall be included. The policy shall also include the statement that in recommending the imposition of probation service fees, and in considering the ability or inability of the probationer to pay, the probation officer shall determine whether the probationer receives income-based public assistance, including but not limited to, Temporary Assistance for Needy Families (TANF); Supplemental Security Income (SSI); Social Security Disability Insurance (SSDI); veteran's disability benefits, or other state-based benefits provided through the Arizona Department of Economic Security. (All such benefits are not subject to attachment, garnishment, execution, levy or other legal process). Accordingly, these sources of income shall be excluded from funds probationers may be required to use to pay probation services fees.

b. Monitor the payment of probation services fees, including responsibilities in addressing arrearages and submitting petitions to the court recommending suspension of probation service fees when:

- (1) A probationer has absconded, a warrant and petition to revoke has been issued, and the probation term has been tolled,
- (2) A probationer is incarcerated for more than 30 days

2. **[No Change]**

